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13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN JOSE DIVISION**

17 NETFUEL, INC.,

Case No. 5:18-cv-2352-EJD (NMC)

18 Plaintiff,

**AGREED MOTION TO DISMISS WITH
PREJUDICE**

vs.

19 CISCO SYSTEMS, INC.,

20 Defendant.

21 **AGREED MOTION TO DISMISS WITH PREJUDICE**

22 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a
23 separate agreement, the Plaintiff NetFuel, Inc. (“NetFuel”) and Defendant Cisco Systems,
24 Inc. (“Cisco”) have agreed to settle, adjust, and compromise all claims and counterclaims
25 in the above-captioned action, with the Court retaining jurisdiction over any controversy or
26 claim relating to the terms and conditions of the parties’ settlement agreement until the
27 date that Cisco makes the payment specified in Section 4.2 of that agreement. The parties,
28

1 therefore, move this Court to dismiss the above-entitled cause and all claims by NetFuel
 2 against Cisco and all counterclaims by Cisco against NetFuel made therein with prejudice
 3 to the re-filing of same.

4 The parties further move the Court to order that all costs and expenses relating to
 5 this litigation (including attorney and expert fees and expenses) shall be borne solely by the
 6 party incurring same.

7 A proposed Order accompanies this motion.

8 AGREED:

9 /s/ Matthew R. Berry

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